IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

MISC. APPEAL NO. 161 /2006 Division Bench

(Appeal Under section 173 of Motor Vehicle Act 1988)

APPELLANT OWNER : Lagan Sai S/o Chamar Sai, aged about 60 years, R/o village Rog Bahari, P.S. Balco, Distt. Korba, C.G.

VERSUS

Note:- Appellant father name is chamar sai, but Wrongly Maintion in impugned order chas sai

RESPONDENTS :

1) Smt. Sunita Bai, wife of late Manmohan Sarthi, aged about 19 years,
2) Prakash Kumar Sarthi, S/o late Manmohan Sarthi, aged about 1 month through its legal guardian, Smt. Sunita Bai,
3) Smt. Rukmani Bai, wife of Kunjram Sarthi,
4) Kunjram Sarthi, S/o not known,

All R/o Village, Dandpara, Police station Darri, Tahsil Katghora, Distt. Korba, C.G.

(CLAIMANTS)

5) R The Oriental Insurance Co. through its Branch Manager, Oriental Insurance Co. Korba, T.P. Nagar, Korba, C.G.

(INSURANCE CO.)

P.R. No. 9760/05
Presented by Shri V.S. Bhandarkar
dated 07/12/05

MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988.

(30)

LOK ADALAT

Chhattisgarh High Court Campus, Bilaspur

Case No. M.A.161 of 2006

Appellant: Lagan Sai

Vs.

Respondents: Smt. Sunita Bai and four others

Appellant with Shri S.K.Tiwari, Advocate

Respondent No.5 by Shri Ashok Kumar Singh Administrative Officer, Oriental Insurance Company Limited, Korba along with Smt. Chitra Shrivastava, Advocate.

None for the other respondents.

LOK ADALAT
High Court of Chhattisgarh, Bilaspur
सत्यमेव जयते

AWARD
(Passed on 05.08.2006)

The Claims Tribunal has awarded a sum of Rs.2,28,500/- as the amount of compensation. Out of which, Rs.10,000/- was awarded against the Oriental Insurance Company Limited and Rs.2,18,500/- was awarded against the appellant.

Parties file a compromise petition. The terms are just. We hereby record the compromise and pass an award in terms of compromise and order that instead of appellant, as agreed between the parties, the entire amount of Rs.2,28,500/- shall be deposited by the Insurance Company and the amount already deposited by them under No Fault Liability in sum of Rs.50,000/- shall be adjusted against this amount. In this manner, now, the Insurance Company shall pay a sum of Rs.1,78,000/- to the claimant, by way of compensation in addition to the amount already deposited by them under No Fault Liability.

Learned counsel for the appellant states that a sum of Rs.25,000/- has already been deposited by the appellant in CCD vide

(31)

receipt No. 131546, Sl. No. 63 dated 29.8.2005 under the proviso to Section 173 of the Motor Vehicles Act.

In view of the compromise entered into between Insurance Company and the appellant, the appellant would be entitled to receive this amount. If this amount has not been disbursed so far, by the Tribunal, it shall be returned to the appellant and if the same has already been disbursed, in favour of the claimant, this amount shall be paid to the appellant out of the deposits which shall be made by the Insurance Company.

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-
(Justice Sunil Kumar Sinha)
Member - Lok Adalat
High Court of Chhattisgarh
BILASPUR